

SheppardMullin

MEMO ENDORSED

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December 4, 2019


VIA ECF

The Hon. Kenneth M. Karas
United States District Court
Southern District of New York
The Hon. Charles L. Brieant Jr.
Federal Building and United States Courthouse
300 Quarropas Street
White Plains, NY 10601-4150

Re: *Lawrence v. Northwell Health, Inc.*, Case No. 19-CV-7448 (KMK)

Dear Judge Karas:

We represent Defendant, Northwell Health, Inc. We write to request a brief adjournment of the parties' initial conference before the Court because of an unexpected scheduling conflict and because the parties will not have completed their mandatory mediation session before the initial conference date.

By Order dated October 15, 2019, Your Honor scheduled an initial conference for December 18, 2019 at 11:30 a.m. On October 18, 2019, this matter was automatically referred to mediation pursuant to the Court's Second Amended Standing Administrative Order. The parties' mediation session was initially scheduled for December 20, 2019, but is now being rescheduled for a date to be determined, most likely in mid-January 2020. 

I am principal trial counsel in this matter, but will be unavailable to attend the December 18 conference because I am also lead counsel in an arbitration that was initially expected to conclude before December 18, but which is now scheduled to continue on that date and through December 20 (*Blum v. TPFS, et al*, FINRA Case No. 18-03169). My colleague and fellow attorney of record in this matter, Scott Earl, is also unavailable to attend a conference on December 18 due to the scheduled birth of his first child that same week.

In light of the foregoing, Defendant respectfully requests that the Court adjourn the December 18, 2019 initial conference pending the outcome of the parties' upcoming mediation or to another date that is convenient for the Court. Defendant has not made any previous requests for adjournments in this matter.

We have asked Plaintiff's counsel to consent to this request, but he has declined. Plaintiff's counsel explained that he objects to an adjournment of the December 18 conference because he believes the chances of reaching resolution of this matter at mediation are less than 10%, and he believes the parties should move the case forward. (See Exhibit A).

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Thank you for the Court's attention to this matter.

Respectfully submitted,

/s/ Jonathan Stoler

Jonathan Stoler
for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

SMRH:4827-7732-3950.1

Enclosure

cc: All Counsel of Record

Granted.

The conference is moved to 1/13/20, at 2:00

So ordered.



12/5/19

EXHIBIT A

Scott Earl

From: sussman1@frontiernet.net
Sent: Wednesday, December 4, 2019 9:41 AM
To: Jonathan Stoler
Cc: Scott Earl; info_sussman1@frontier.com
Subject: Re: Lawrence v. Northwell Health, Inc. 19-cv-07448-KMK - Adjourning December 18 Court Conference

Judge Karas understands conflicts and would have no problem, at a preliminary conference, hosting your colleague.

On Wednesday, December 4, 2019, 09:39:36 AM EST, Jonathan Stoler <jstoler@sheppardmullin.com> wrote:

Mike

Judge Karas' individual rules say principal trial counsel shall appear at all conferences. I am principal trial counsel.

We will make our application today.

Jonathan Stoler
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30 Rockefeller Plaza
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212.655.1743 (direct fax)
917.453.4038 (mobile)

On Dec 4, 2019, at 9:30 AM, "sussman1@frontiernet.net" <sussman1@frontiernet.net> wrote:

You have co-counsel who can appear for such a conference. I believe we should move the case forward because the chances of reaching resolution at early mediation are less than 10% and I don't want to hold matters up. Michael Sussman

On Wednesday, December 4, 2019, 09:15:30 AM EST, Jonathan Stoler <jstoler@sheppardmullin.com> wrote:

Michael

As we noted in our earlier email to the mediator, I will be in an arbitration hearing from 12/16-20. We would appreciate your courtesy and ask you to reconsider our request.

If we don't receive your consent by the end of day today, we will make our application to the court and note your objection.

Thanks,

Jonathan Stoler
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212.655.1743 (direct fax)
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On Dec 4, 2019, at 8:28 AM, "sussman1@frontiernet.net" <sussman1@frontiernet.net> wrote:

I do not consent and believe we should get a scheduling order and move the case forward. Michael Sussman

On Tuesday, December 3, 2019, 10:49:24 AM EST, Scott Earl
<searl@sheppardmullin.com> wrote:

Mr. Sussman:

In addition to the mediation session that we're still working to reschedule from December 20 to sometime in January, we also have a preliminary court conference scheduled for December 18.

We'd like to adjourn that December 18 conference until after our mediation session. Please advise if you consent. If so, we'll put together a joint letter motion to that effect.

Thanks,

Scott

Scott Earl
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